

REMARKS

This paper is being submitted in response to the Office Action mailed in the application on April 26, 2005. Claims 1-7, 9, 10, 12-18, 20 and 21 are pending. Claims 1-7, 9 and 12 have been amended. Claim 23 has been added.

The Examiner has rejected claims 12-18 and 20-21 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In particular, the Examiner has stated that claim 12 is intended to embrace or overlap two different statutory classes of invention, namely, an article (storage medium) and process steps (steps of creating and calculating), and that claims 13-18 and 20-21, which depend from claim 12, inherit the same deficiency. The Examiner has also rejected claims 12-18 and 20-21 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention, for the same reasons as set forth above with respect to his rejection of the same claims under 35 U.S.C. § 101.

Applicants' independent claim 12 has been amended to recite, in pertinent part, a storage medium storing a program for controlling a host computer capable of printing data using another apparatus connected to a network, the program comprising a creating code of creating setting information to print data and a calculating code of calculating a print charge in accordance with the created setting information, wherein the creating code and the calculating code are executed before the print data is sent to the network. Claim 12 is thus more clearly directed to one statutory class of invention, namely, a storage medium having stored thereon functional descriptive material (i.e., program for controlling a host computer) which is structurally and functionally interrelated to the storage medium. Applicants submit that claim

12, as amended, is directed to statutory subject matter. Accordingly, amended claim 12, and its respective dependent claims, meet the requirements of 35 U.S.C. §101, and for the same reason such claims are sufficiently definite to satisfy the requirements of 35 U.S.C. §112, par. 2.

The Examiner has rejected applicants' claims 1-7, 9, 12-18 and 20 under 35 U.S.C. § 102(e) as being anticipated by Arledge, Jr. et al. (U.S. Patent No. 6,535,294) (hereinafter "Arledge"). The Examiner has rejected applicants' claims 10 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Arledge in view of Official Notice. In particular, according to the Examiner, Arledge discloses an information processing apparatus (wholesale web server 140 in FIG. 1) capable of printing data by using another apparatus (workflow management server 280 in FIG. 2) connected to a network, comprising creating means (preparations system 201 in FIG. 3) for creating setting information to print data recognizable by the other apparatus, and calculating means (241 in FIG. 2) for calculating a print charge in accordance with the created setting information, wherein the setting information is created and the print charge is calculated before the print data is sent to the network.

With regard to claims 10 and 21, the Examiner states that while Arledge does not specifically disclose that the charge information is updated, the Examiner has taken Official Notice of the fact and benefits of updating any stored information for the obvious reason of being able to know the prevailing rates for any print job/services and submit the realistic price or quote to the buyer. The Examiner concludes that it would have been obvious to modify Arledge to incorporate the feature of updating information relating to vendors, bids, etc., which is related to charge information, because it would enable the system to calculate the price bid

for print jobs requested by the user based on the latest vendor prices and avoid the waste of time and money which would result from considering obsolete vendor prices.

With respect to applicants' claims, as amended, the Examiner's rejections are respectfully traversed. Applicants' independent claim 1 has been amended to more clearly recite the feature of the present invention. In particular, claim 1 is directed to an information processing apparatus capable of printing data by using another apparatus connected to a network, comprising a creating unit configured to create setting information to print data, and a calculating unit configured to calculate a print charge in accordance with the created setting information, wherein the creating unit creates the setting information and the calculating unit calculates the print charge before the print data is sent to the network, and wherein the information processing apparatus serves as a host computer. Claims 12 and 23 recite similar features.

Such construction is neither taught nor suggested by the cited Arledge patent. More particularly, as shown in FIGS. 1-3, Arledge discloses a system and method for preparing customized printed products over a communications network, including a workflow management system 280 connected to a wholesaler web server computer 140. However, Arledge fails to teach or suggest that the wholesaler web server computer 140 serves as a host computer. Thus, Arledge cannot teach or suggest an information processing apparatus serving as a host computer in which a creating unit creates setting information and a calculating unit calculates a print charge before print data is sent to a network.

Accordingly, Arledge does not teach or suggest the features of an information processing apparatus having a creating unit configured to create setting information to print

data and a calculating unit configured to calculate a print charge in accordance with the created setting information, whcrein the creating unit creates the setting information and the calculating unit calculates the print charge before the print data is sent to the network, and wherein the information processing apparatus serves as a host computer. Applicants' independent claims 1, 12 and 23, each of which recite these features, in one form or another, thus patentably distinguish over the Arledge patent. The cited Official Notice of updating charge information adds nothing to change this conclusion.

Applicants' amended independent claims and newly added claim, and their respective dependent claims, are therefore submitted as patentable. Reconsideration of these claims is thus respectfully requested.

If the Examiner believes that an interview would expedite consideration of this Amendment or of the application, a request is made that the Examiner telephone applicants' counsel at (212) 790-9278.

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Respectfully submitted,

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